C.J.'s Court

Writ Petition No. 575 (M/B) of 2002

Harish Chandra Tiwari …… Petitioner.

Versus

Principal Hemwati Nandan
Bahuguna Govt. P.G. College
Khatima (Udham Singh Nagar)
and others …… Respondents.

……

Hon. A.A. Desai, C.J.
Hon. Irshad Hussain, J.

Heard Sri S.C. Bhatt, learned counsel for the petitioner; Sri B.D. Kandpal, learned Standing Counsel, and Sri B.D. Upadhayaya for the respondents nos. 2 and 3.

The petitioner has passed graduation and applied for the post graduate course in Economics. The admission is refused on the ground that he got less percentage than prescribed, namely, 40%. The contention of the petitioner is not disputed by Mr. B.D. Upadhayaya that he is the only candidate of reserved category of the Army ward reservation and to such candidates 20 marks are added to the total percentage acquired in the qualifying examinations. It is not disputed that after adding 20 marks, percentage of the petitioner shall be 39.6. If the fraction is rounded up, it will be 40%. The petitioner is, therefore, eligible. This aspect is not disputed by the University.

In view of the above, we direct the respondent no.1 to admit the petitioner for the course of M.A. Economics. The petition is accordingly allowed.

(A.A. Desai, C.J.)
(Irshad Hussain, J.)

Dt. 24.10.2002
A